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3 **UNITED STATES DISTRICT COURT**
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
5 **FRESNO DIVISION**

6 Maria Amor Herrera Vega,

7 Plaintiff,

8 v.

9 Kilolo Kijakazi, Acting
10 Commissioner of Social Security,

11 Defendant.

Case No. 1:21-cv-00644-GSA

**STIPULATION FOR THE AWARD
AND PAYMENT OF ATTORNEY
FEES AND EXPENSES PURSUANT
TO THE EQUAL ACCESS TO
JUSTICE ACT; ORDER**

12 IT IS HEREBY STIPULATED by and between the parties through their
13 undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded
14 attorney fees and expenses in the amount of SIX THOUSAND SEVENTY-FIVE
15 DOLLARS and 00/100 (\$675.00) under the Equal Access to Justice Act (EAJA), 28
16 U.S.C. § 2412(d), and cost in the amount of zero dollars (\$0.00) under 28 U.S.C. §1920.
17 This amount represents compensation for all legal services rendered on behalf of
18 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §
19 2412(d).

20 After the Court issues an order for EAJA fees to Plaintiff, the government will
21 consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to
22 *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability
23 to honor the assignment will depend on whether the fees are subject to any offset
24 allowed under the United States Department of the Treasury's Offset Program. After
25 the order for EAJA fees is entered, the government will determine whether they are
26 subject to any offset.
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1 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
2 determines that Plaintiff does not owe a federal debt, then the government shall cause
3 the payment of fees, expenses and costs to be made directly to Counsel, pursuant to
4 the assignment executed by Plaintiff. Any payments made shall be delivered to
5 Plaintiff's counsel, Jonathan O. Peña.

6 This stipulation constitutes a compromise settlement of Plaintiff's request for
7 EAJA attorney fees, and does not constitute an admission of liability on the part of
8 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
9 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
10 Counsel including Counsel's firm may have relating to EAJA attorney fees in
11 connection with this action.

12 This award is without prejudice to the rights of Counsel and/or Counsel's firm
13 to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the
14 savings clause provisions of the EAJA.

15 Respectfully submitted,

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17 Dated: May 9, 2022

/s/ Jonathan O. Peña
JONATHAN O. PEÑA
Attorney for Plaintiff

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19
20 Dated: May 9, 2022

PHILLIP A. TALBERT
United States Attorney
PETER K. THOMPSON
Acting Regional Chief Counsel, Region IX
Social Security Administration

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24 By: * Geralyn Gulseth
25 Geralyn Gulseth
26 Special Assistant U.S. Attorney
27 Attorneys for Defendant
28 (*Permission to use electronic signature
obtained via email on May 9, 2022).

ORDER

Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

IT IS ORDERED that fees and expenses in the amount of SIX THOUSAND SEVENTY-FIVE DOLLARS and 00/100 (\$675.00) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: May 10, 2022

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE